

RESOLUTION NO. 93-3

REGISTRATION OF SOLID WASTE HAULERS SUBJECT TO SOLID WASTE TIPPING FEES/ADMINISTRATIVE FEE FOR SOLID WASTE OPERATIONS AND ACTIVITIES

WHEREAS, the State of Indiana has mandated that the State be divided into solid waste management districts, and the County of Boone constitutes one of said solid waste management districts, and the Boone County Solid Waste Management District is governed by a Board of Directors which has determined that the registration of solid waste haulers is necessary and further that administrative fees are further necessary in conjunction with the solid waste plan implemented by the Board of Directors to comply with state law and, in addition, under the provisions of Home Rule & I.C. 13-9.5-2-11(a)(17) both provide an appropriate means to fund education and publicity concerning the necessity of reduction, management, and disposal of solid waste and the recovery of waste products from the solid waste stream, and, in an attempt to assure that all those which derive benefit from the services of the solid waste management district and plan, in turn, contribute to the costs of the same, it is necessary to impose nominal fees to accomplish the purposes set forth herein per the provisions of I.C. 13-9.5-9-2 which allows for a flat charge for each residence or building in use in the Solid Waste Management District.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE BOONE COUNTY SOLID WASTE MANAGEMENT DISTRICT AS FOLLOWS:

Section 1. Definitions. For the purpose of this resolution, the following terms shall have the meanings described to them as follows:

(a) "Solid waste hauler" shall have the meaning as follows: Any owner or operator of a solid waste hauling company, independent contractor, or private individual which provides solid waste disposal service to Boone County or which benefits residents, businesses, or others, which reside or do business in Boone County or otherwise derive benefit from the Boone County solid waste district.

(b) "District" shall mean for the purposes of this resolution the territorial limits of the County of Boone, State of Indiana.

(c) All other definitions as provided in Resolution No. 93-1, specifically pertaining to solid waste, solid waste land disposal facility, solid waste facility, solid waste processing facility, sanitary landfill, construction/demolition site, clean fill site, open dump, open burning, transfer station, recovery, resource recovery, resource/material recovery facility, composting, composting facility, composting/digester facility, incinerator, restricted waste site, recycling, and hazardous waste, as set forth in the resolution of this Board adopting the same, shall be incorporated herein by reference as if specifically set forth herein.

Section 2. All solid waste haulers, as previously defined herein, shall be required to register and obtain a permit from the Boone County Solid Waste Management Board while providing solid waste collection/disposal services within the Boone County solid waste district. The waste haulers shall provide, on a form provided by the Solid Waste Management Board, the following information: Haulers full name; address; daytime phone number; emergency phone number; and designated responsible person to be in contact with concerning their day-to-day operations; general location of the waste hauler, and route designation of various areas served within the waste disposal district and, where possible, maps of service territories.

The waste haulers should encourage recycling, provide for a recyclables collection method, and shall be responsible for identifying recyclable items. Further, said haulers shall report, quarterly, to the districts, the total volume of solid waste collected, and the percentage or amount that was recycled.

Section 3. The Solid Waste Management District may impose a fee for the issuance of the license reasonably associated with the cost of its issuance and the record keeping requirements associated therewith. Said license shall be issued at the inception of this resolution for the amount of Fifty-two Dollars (\$52.00) per vehicle. Annual renewals shall be required with the cost established as the same amount of issue expense.

Section 4. Boone County Solid Waste District Fees.

(a) There is hereby imposed, pursuant to the authority of I.C. 13-9.5-9-2, District Solid Waste Fees that apply to all persons owning real property benefited by waste collection, a facility for waste disposal, or a facility for waste processing within the Boone County Solid Waste Management District.

Pursuant to the statutory authority granted to the Board, the basis for fixing this fee shall be a flat charge of One Dollar (\$1.00) per month for each residential building in use in the Boone waste management district.

In addition a fee of Twenty-five Cents (\$0.25) per cubic yard per pick-up/haul, on a monthly basis, is imposed on Industrial/Commercial property owners or generators of solid waste.

The fees set forth in this paragraph are established pursuant to the authority of the Indiana Solid Waste Law and the provisions of Home Rule. The percentage of reduction follows the original intent of the Indiana Legislature as set forth in House Bill 1240, enacted as P.L. 10 - 1990.

Said fee shall be deposited to the Boone County Solid Waste Management District fund and shall be used for the continuing purpose

of administering and implementing the Boone County solid waste district plan, to include, but not be limited to, the education of the public as to the necessity for the reduction, management, and disposal of solid waste and the recovery of waste products from the solid waste stream, all as mandated by state law.

(b) Pursuant to the reasonable discretionary authority granted to this Board by state law, under I.C. 13-9.5-9-2(d), the Board determines that the residential real property within the municipalities of Lebanon and Zionsville should be temporarily excluded from the provisions of this resolution upon its implementation until such time as residential waste and recycling collection contracts, currently in effect, expire with each of said municipalities. Both units of municipal government currently have recycling/solid waste collection programs and contracts in effect. Both municipalities shall, however, upon expiration of their current residential solid waste/recycling agreements, require as part of the bidding specifications for future service to their municipalities, and include the provisions of this resolution implementing a fee per residence of Twenty-five Cents (25¢) for a residential building in use as they are within the Boone County Solid Waste Management District. Said fees shall be included as part of the negotiated cost for continuing service to those two municipalities.

Section 5. It shall be the responsibility of the haulers of solid waste, within the Boone County Solid Waste Management District, which are subject to the provisions of this resolution, to collect the stated per month fee imposed upon those benefiting from solid waste management within the Boone County Solid Waste Management

District. The owner or operator of a waste hauling service organization is responsible for the collection and accounting of the fee imposed hereunder and shall be properly registered as previously set forth in this resolution. The hauler may deduct the amount of one per cent (1%) as collection allowance from those funds, collected monthly, and submitted to the district as compensation for this administrative task.

Section 6. The Solid Waste District Board shall require the solid waste hauler to file a surety bond in an amount equal to the monthly fee set forth herein times the normal average number of customers served by the waste hauler in the previous year prior to registration and/or renewal of said annual permit. The surety shall be conditioned upon the keeping of accurate records and the making of full and complete reports and payments of the fees collected hereunder. Should the waste hauler registrant file such a surety bond, the bond must: (1) be with a surety company or financial institution approved by the Indiana Department of State Revenue; and (2) name the registrant as the principal and the Boone County Solid Waste Management Board as the obligee.


Section 7. The Boone County Solid Waste Management District shall issue a permit for each vehicle operating within the district.


Section 8. This resolution shall be in full force and effect from and after its publication and any public hearing(s) as may be required by law, with an effective date for all of the district, after conclusion of said hearings and publications, as outlined in

I.C. 13-9.5-9-2, of January 1, 1994. Pursuant to I.C. 13-9.5-2-11(18), this resolution shall have the same effect as law.

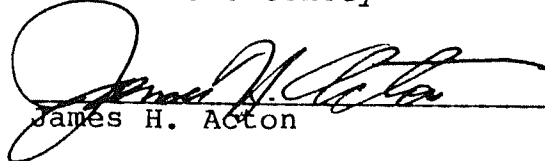
ALL OF WHICH IS RESOLVED AND ADOPTED BY THE BOARD OF DIRECTORS OF THE BOONE COUNTY SOLID WASTE MANAGEMENT DISTRICT, INDIANA, on the 10th day of NOVEMBER, 1993.

BOARD OF DIRECTORS OF BOONE COUNTY
SOLID WASTE MANAGEMENT DISTRICT,
INDIANA

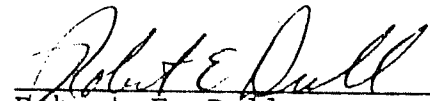

Larry R. Frye

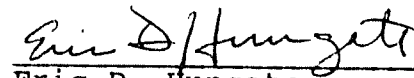

Thelma J. Theobald

Robert E. Guernsey


James H. Acton


Kenneth E. Kuper


Robert E. Dull


Eric D. Hungate